

FISCAL NOTE

SB 1500 - HB 1833

March 31, 2007

SUMMARY OF BILL: Increases the minimum age of the Class D felony offense of child abuse and child neglect or endangerment from six to eight years of age or less. Increases the penalty for knowingly neglecting or endangering a child from a Class E to Class D felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$1,450,300 / Incarceration*

Assumptions:

- In FY06, there were 52 admissions to the Department of Correction (DOC) for child abuse, neglect or endangerment offenses. DOC estimates a 33.33% increase (17) of the Class D child abuse offenses as a result of increasing the age of the victim from six to eight years of age.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth would result in two additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 19 offenders serving 0.6 years. According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The total additional operating cost for 19 offenders is \$250,497.14 (\$13,184.06 x 19).
- DOC estimates 50% (26) of 52 admissions in FY06 for child abuse, neglect or endangerment offenses were Class D and 50% (26) were Class E felonies. Estimate assumes 26 Class E felonies would be elevated to Class D felonies and would serve an additional 0.3 years (an increase from a Class E at 0.3 years to a Class D at 0.6 years) in the first year as a result of this bill. Population growth would result in three additional offenders in the tenth year. The maximum cost in the tenth year is based on 29 offenders. The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The additional cost from increasing the average sentence from 0.3 years to 0.6


years is \$6,591.73 (\$13,184.06 - \$6,592.33). The total additional operating cost for 29 offenders is \$191,160.17 (\$6,591.73 x 29).

- The Department of Children's Services had 533 confirmed cases of drug-exposed infants out of 1,328 cases investigated from March, 2004, to February, 2005. DOC estimates that 25% (133) of these will result in convictions as a result of the child testing positive at birth. Population growth would result in 15 additional offenders in the tenth year. The maximum cost in the tenth year is based on 148 offenders. 143 of these persons will be convicted of a Class E felony for knowingly ingesting an illegal substance or controlled substance not prescribed by a physician while pregnant and would serve 0.3 years (109.58 days). The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The total additional cost for 143 offenders is \$942,703.19 (\$6,592.33 x 143). The remaining five persons will be convicted of a Class D felony as a result of the death of a child and will serve 0.6 years. The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The total additional cost for 5 offenders is \$65,920.30 (\$13,184.06 x 5).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director